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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/472,910	12/27/1999	MICHAEL C. G. LEE	71493-639	9364

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/472,910

Applicant(s)

LEE, MICHAEL C. G.

Examiner

Quynh H Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-26 and 29-36 is/are pending in the application.
- 4a) Of the above claim(s) 8-26 and 29-36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I claims 2-7 in the reply filed on 11/26/04 is acknowledged. The traversal is on the ground(s) that there are 6 groups of distinct claims. This is not found persuasive because in the Restriction Requirement mailed 10/22/04, Examiner responded to Applicant's argument by withdrawing the previous Restriction Requirement that the claims in each of the groups I-VI are related as subcombinations disclosed a useable together in a single combination, and sending the new Restriction Requirement stating that inventions I-VI are unrelated, because they have different modes of operation, different functions, or different effects. In response to the Restriction Requirement mailed 10/22/04, Applicant's election with traverse of Group I claims 2-7 but failed to provide or explain any reason for traversing.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sonesh et al. (U.S. Patent 6,046,762) in view of Wolff et al. (U.S. Patent 5,327,486).

As to claim 2, Sonesh et al. teach an automatic call distribution (ACD) controller arranged to be coupled through a packet-based network (Fig. 1, 112) to a plurality of remote telephone stations (Fig. 1, remote agent workstations) and one or more attendant telephone stations (Fig. 1, 127), the ACD controller comprising call reception logic (col. 6, lines 3-5) that controls the establishment of telephone sessions between the remote telephone stations (Fig. 1, remote agent workstations) and the attendant telephone stations (Fig. 1, 127); wherein the call reception logic operates to receive call initiation signals from a particular one of the remote telephone stations (col. 7, lines 58-61); to monitor if an attendant availability parameter is met (col. 10, lines 58-61); if the attendant availability parameter is not met, to send at least one data information message to the particular remote telephone station via the packet-based network (col. 10, lines 58-61); and, if the attendant availability parameter is met, to establish an audio channel between the particular remote telephone station and a particular one of the attendant telephone stations (col. 11, lines 3-6).

Sonesh et al. do not specifically teach querying the capabilities of the caller's telephone station and format the data information message prior to sending the data information message to the particular remote telephone station.

Wolff et al. teach (Abstract and col. 7, lines 5-14) identifying the caller by enabling the caller to speak to the personal telephone manager (PTM) and that the information would be translated to text for call screening either by the PTM or transmitting as text to the caller in an auditory form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of identifying the capabilities of the caller's telephone station prior to sending the information message to the caller, as taught by Wolff, in Sonesh's system in order to provide accurate information to the caller in the correct format, and to perform the callers' requested actions reliably by sending the callers the formatted data information message based upon the capabilities of the callers' telephone station. This is analogous to the old and well known handshake process between two communication components prior to establishing communication. For example, facsimile machines perform the handshake process to determine the capabilities of the machine (e.g., speed) prior to communicating.

As to claim 3, Sonesh et al. teach the packet-based network is an Internet Protocol (IP) network and the data information message is transmitted within an IP packet (col. 10, lines 50-58).

As to claim 4, Sonesh et al. teach the call reception logic further operates to determine a waiting parameter (expected wait time col. 10, line 60) to be presented to a user at the particular remote telephone station, the data information message comprising waiting parameter (col. 10, lines 59-61).

As to claims 5 and 6, Sonesh et al. teach the length of the queue and expected wait time are displayed on the caller's computer (col. 10, lines 58-61) reads on claimed "...the waiting parameter comprises a number corresponding to an order ..." and "...an estimate of the time before the attendant availability parameter will be met".

As to claim 7, Sonesh et al. teach the call reception logic further operates to update the waiting parameter periodically until the attendant availability parameter is met and to send further data information signals comprising updated waiting parameters to the particular remote telephone station via the packet-based network until the attendant availability parameter is met (col. 11, lines 1-4).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "Handshake" definition in Newton's Telecom Dictionary, Eight Edition, November 1994.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

Quynh H. Nguyen
February 17, 2005



AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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